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RESOLUTION NO. 05-005

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING OF ANGEL, FROM THE EAST LINE OF LOT 39, BLOCK C, EAST TO THE WEST LINE OF 45TH STREET SOUTH, ON 45TH STREET SOUTH FROM THE EAST LINE OF ANGEL EAST TO THE EAST LINE OF LOT 11, BLOCK B, AND ON KESSLER, FROM THE SOUTH LINE OF THE PLAT, NORTH TO THE NORTH LINE OF LOT 42, BLOCK C. ANGEL CT. FROM THE SOUTH LINE OF ANGEL, SOUTH TO AND INCLUDING THE CUL-DE-SAC, AND ON KESSLER CT. FROM THE EAST LINE OF KESSLER, EAST TO AND INCLUDING THE CUL-DE-SAC. THAT SIDEWALK BE CONSTRUCTED ON ONE SIDE OF ANGEL, 45TH ST. SOUTH AND KESSLER. (NORTH OF 47TH ST SOUTH, EAST OF WEST STREET) 472-83356, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING ANGEL, FROM THE EAST LINE OF LOT 39, BLOCK C, EAST TO THE WEST LINE OF 45TH STREET SOUTH, ON 45TH STREET SOUTH FROM THE EAST LINE OF ANGEL EAST TO THE EAST LINE OF LOT 11, BLOCK B, AND ON KESSLER, FROM THE SOUTH LINE OF THE PLAT, NORTH TO THE NORTH LINE OF LOT 42, BLOCK C. ANGEL CT. FROM THE SOUTH LINE OF ANGEL, SOUTH TO AND INCLUDING THE CUL-DE-SAC, AND ON KESSLER CT. FROM THE EAST LINE OF KESSLER, EAST TO AND INCLUDING THE CUL-DE-SAC. THAT SIDEWALK BE CONSTRUCTED ON ONE SIDE OF ANGEL, 45TH ST. SOUTH AND KESSLER. (NORTH OF 47TH ST SOUTH, EAST OF WEST STREET) 472-83356, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That resolution no. 01-0168 adopted on April 24, 2001 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to pave Angel, from the east line of lot 39, Block C, east to the west line of 45th Street South, on 45th Street South from the east line of Angel east to the east line of Lot 11, Block B, and on Kessler, from the south line of the plat, north to the north line of Lot 42, Block C. Angel Ct. From the south line of Angel, South to and including the cul-de-sac, and on Kessler Ct. From the east line of Kessler, east to and including the cul-de-sac. That sidewalk be constructed on one side of Angel, 45th St. South and Kessler. (North of 47th St South, East of West

Street) 472-83356.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Two Hundred Thirty-Eight Thousand Dollars (\$238,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **November 1, 2004**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

ANGEL FIRE ADDITION

Lots 11 through 12, Block B

Lots 28 through 38, Block C

Lots 42 through 49, Block C

Lots 5 through 8, Block D

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefor shall be on a **fractional** basis.

Lots 11 and 12, Block B, Lots 28 through 38, Block C, Lots 42 through 49, Block C, and Lots 5 through 8, Block D, ANGEL FIRE ADDITION shall each pay 1/25 of the total cost of the improvements.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefor, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, January 4, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)